

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Entergy Services, Inc.

Docket No. ER05-959-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued March 3, 2006)

1. On January 20, 2006, Entergy Services Inc.(Entergy), acting as agent for Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, LLC, Entergy Mississippi, Inc., and Entergy New Orleans, Inc., filed a settlement in Docket No. ER05-959-000, to resolve all issues regarding the appropriate rates and revenue requirement for transmission billings on Entergy's transmission system from June 1, 2005 through May 31, 2006.
2. On February 9, 2006, Trial Staff submitted comments in support of the settlement. No other comments were received. On February 15, 2006, the settlement was certified to the Commission as uncontested.¹
3. The settlement is fair and reasonable and in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding any principle or issue in this proceeding.
4. Within thirty (30) days from the date of this Order, any amounts collected in excess of the settlement rates shall be refunded together with interest computed under section 35.19a of the Commission's regulations.² Within fifteen (15) days after making such refunds, Entergy shall file with the Commission a compliance refund report showing monthly billing determinants, revenue receipt dates, revenues under the prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period. Entergy shall

¹ *Entergy Services, Inc.*, 114 FERC ¶ 63,022 (2006).

² 18 C.F.R. § 35.19a (2005).

furnish copies of the report to the affected wholesale customers and to each state commission within whose jurisdiction the affected wholesale customers distribute and sell electric energy at retail.

5. This Order terminates Docket No. ER05-959-000. A new subdocket will be assigned in Docket No. ER05-959 upon receipt of the required compliance refund report.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

(S E A L)

Magalie R. Salas,
Secretary.

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KELLY, Commissioner, *dissenting in part*:

For the reasons I have previously set forth in *Wisconsin Power & Light Co.*, 106 FERC ¶ 61,112 (2004), I do not believe that the Commission should depart from its precedent of not approving settlement provisions that preclude the Commission, acting *sua sponte* on behalf of a non-party, or pursuant to a complaint by a non-party, from investigating rates, terms and conditions under the “just and reasonable” standard of section 206 of the Federal Power Act at such times and under such circumstances as the Commission deems appropriate.

Therefore, I disagree with this order to the extent it accepts for filing a settlement that provides, in relevant part: “The standard of review for any modifications to this Settlement Agreement that are not agreed to by all Parties, including any modifications resulting from the Commission acting *sua sponte*, shall be the ‘public interest’ standard under the *Mobile-Sierra* Doctrine.”

Suede G. Kelly